

1 Joseph W. Cotchett (36324; jcotchett@cpmlegal.com)
 2 Steven N. Williams (175489; swilliams@cpmlegal.com)
 3 Nanci E. Nishimura (152621; nnishimura@cpmlegal.com)
 4 Aron K. Liang (228936; aliang@cpmlegal.com)
 5 Douglas Y. Park (233398; dpark@cpmlegal.com)

COTCHETT, PITRE & McCARTHY

6 San Francisco Airport Office Center
 7 840 Malcolm Road, Suite 200
 8 Burlingame, CA 94010
 9 Telephone: (650) 697-6000
 10 Facsimile: (650) 697-0577

11 Walter J. Lack (57550; wlack@elllaw.com)
 12 Elizabeth L. Crooke (90305 ecrooke@elllaw.com)
 13 Richard P. Kinnan (123170; rkinnan@elllaw.com)

ENGSTROM LIPSCOMB & LACK

14 10100 Santa Monica Blvd., 16th Floor
 15 Los Angeles, CA 90067
 16 Telephone: (310) 552-3800
 17 Facsimile: (310) 552-9434

18 *Attorneys for Plaintiffs and the Class*

19 **UNITED STATES DISTRICT COURT**

20 **IN AND FOR NORTHERN DISTRICT OF CALIFORNIA**

21 **DONALD WORTMAN,) Case No. 07-CV-5634-CRB**

22 **WILLIAM ADAMS,)**
 23 **MARGARET GARCIA, individually and on)**
 24 **behalf of all others similarly situated,)**

25 **) MDL No. 1913**

26 Plaintiffs,

27 vs.

28 **AIR NEW ZEALAND,) REQUEST FOR INTERNATIONAL**
 29 **ALL NIPPON AIRWAYS,) JUDICIAL ASSISTANCE**

30 **CATHAY PACIFIC AIRWAYS,)**

31 **CHINA AIRLINES,)**

32 **EVA AIRWAYS,)**

33 **JAPAN AIRLINES INTERNATIONAL,)**

34 **MALAYSIA AIRLINES,)**

35 **NORTHWEST AIRLINES,)**

36 **QANTAS AIRWAYS,)**

37 **SINGAPORE AIRLINES,)**

38 **THAI AIRWAYS,)**

39 **UNITED AIRLINES,)**

40 Defendants.

REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE

(LETTER ROGATORY)

Case No. 07-cv-5634-CRB; MDL No. 1913

1 The United District Court for the Northern District of California, San Francisco Division,
2 presents its compliments to the Appropriate Judicial Authority of Taiwan, and requests
3 international assistance to effect service of process to be used in a Civil proceeding before this
4 court in the above captioned matter.

5 **I. REQUEST**

6 This court requests the assistance described herein as necessary in the interests of justice.
7 The assistance requested is that the Appropriate Judicial Authority of Malaysia effect Service of
8 Process of: (1) Class Action Complaint *Wortman, et al. v. Air New Zealand, et al.*; (2) Civil Cover
9 Sheet; (3) Summons in a Civil Case; (4) Notice of Assignment of Case to a United States
10 Magistrate Judge for Trial; (5) Order Setting Initial Case Management Conference and ADR
11 deadlines; (6) ECF Registration Information Handout; (7) Standing Order re Case Management
12 Conference; (7) ADR Dispute Resolution Process; and (8) Order Granting Administrative Motion
13 to Relate Cases, on the below named entity:

14

15 CHINA AIRLINES
16 131 Nanking E Rd.
17 Section 3
18 Taipei, Taiwan

19 The Appropriate Judicial Authority of Taiwan is respectfully requested to:

20 (1) Serve the above mentioned documents, and the Chinese translations thereof, by
21 personal service upon legal representatives of CHINA AIRLINES at the above address or in a
22 manner prescribed for the service of such documents under the laws of Taiwan; and
23 (2) Return through diplomatic channels to this Court the proof of service along with a
copy of the documents which were served.

24 **II. FACTS OF THE CASE**

25 On November 6, 2007, Plaintiffs, individually and on behalf of the class described below,
26 filed the enclosed Class Action Complaint against Defendants for damages under the antitrust
27 laws of the United States. Plaintiffs allege that Defendants conspired to fix, raise, maintain, and

28 **REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**

Case No. 07-cv-5634-CRB; MDL No. 1913

1 stabilize the prices for long haul passenger transpacific flights to and from the United States, and
2 for fixed fuel surcharges on this transportation, during the class period 2004 to August 2007.
3 Plaintiffs bring this action to recover damages, including treble damages, injunctive relief, costs of
4 suit, and reasonable attorneys' fees caused by Defendants' violations of the Sherman Act, 15
5 U.S.C. § 1. CHINA AIRLINES is among the Defendants alleged to have participated in this
6 price-fixing conspiracy.

7 **III. RECIPROCITY**

8 The United States District Court for the Northern District of California, San Francisco
9 Division, expresses its willingness to provide similar assistance to the Appropriate Judicial
10 Authority of Taiwan.

11 **IV. REIMBURSEMENT OF COSTS**

12 The United States District Court for the Northern District of California, San Francisco
13 Division, order Plaintiffs to reimburse the Appropriate Judicial Authority of Taiwan and/or the
14 U.S. Department of State for costs incurred in executing this Letter Rogatory. Plaintiffs shall
15 reimburse the Appropriate Judicial Authority of Taiwan and/or the U.S. Department of State for
16 any expenses incurred in connection with the execution of this Letter Rogatory. Please contact
17 Plaintiffs' counsel before exceeding the amount of US \$1,500. Plaintiffs' counsel is: Steven N.
18 Williams, Cotchett, Pitre & McCarthy, 840 Malcolm Road, Suite 200, Burlingame, California
19 94010, United States of America; phone (650) 697-6000; fax (650) 697-0577 ; e-mail:
20 sWilliams@cpmlegal.com.

21 In acknowledgment of the additional time which is needed to prepare and file an Answer
22 to the attached documents, the time period for answering is extended to forty-five (45) days after
23 service.

24 The Court extends to the judicial authorities of Taiwan assurances of its highest
25 consideration.

26 ///

27 ///

28 **REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**

Case No. 07-cv-5634-CRB; MDL No. 1913

1
2
3
4
5
6 DATED: February 01, 2008

7
8 [COURT SEAL]



9
10 Honorable Charles R. Breyer
11 United States District Judge
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15 450 Golden Gate Avenue
16 Courtroom 8, 19th Floor
17 San Francisco, California 94102
18 United States of America
19
20
21
22
23
24
25
26
27
28

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
(LETTER ROGATORY)**
Case No. 07-cv-5634-CRB; MDL No. 1913